



## COMMUNITY DEVELOPMENT DEPARTMENT

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### PLANNING COMMISSION MEETING MINUTES

#### REGULAR MEETING

JULY 8, 2003

PRESENT: Acevedo, Benich, Lyle, Mueller, Weston

ABSENT: Engles

LATE: Escobar, who arrived at 7:10 p.m.

STAFF: Planning Manager (PM) Rowe, Senior Engineer (SE) Creer and  
Minutes Clerk Johnson

Chair Mueller called the meeting to order at 7:03 p.m.

#### **DECLARATION OF POSTING OF AGENDA**

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### **OPPORTUNITY FOR PUBLIC COMMENT**

Chair Mueller opened the public hearing.

Richard Oliver, 275 Saratoga Ave, #105, Santa Clara, reminded Commissioners that he had sent a letter which was noticed two weeks ago during the regular meeting. Mr. Oliver said he had sent the letter, as he was out of state and unable to attend the meeting.

The subject of the letter – and the reason for his appearance at this meeting – Mr. Oliver said, was the concern he had of an item at the appeal hearing of July 17, 2003, when the E. Dunne-Dempsey appeal was returned to the Commission for further consideration and clarification.

Mr. Oliver pointed out that, contrary to the previous practice of Measure P applications and hearings, new material was presented as part of the appeal. He expressed concern that the new material was not identified as such and resulted in a Commission award of 1-point on a split (3-2) vote that evening. Mr. Oliver said that the Measure P criteria and requirements were very clear, but the data presented on July 17, 2003 was not clear.

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Mr. Oliver explained, after reading from the criteria set forth, that based on the original information in the application, the staff did not award the total points available. However, in the appeal hearing, Bill McClintock and the applicant asked for increased area to be included for the oversized detention pond; that 'increased area', Mr. Oliver declared to be new material, calling attention to pages 22 and 23 of the Dempsey application/narrative. Mr. Oliver said that Commissioner Weston had asked if it was new material being presented, and SE Creer had responded 'no', but he again referenced the original application where (he indicated) that had not been present.

Mr. Oliver expressed apprehension that when the matter is returned to the City Council for hearing, appeal will be made for even more point(s) for the project which could lead to having the awarded allocations overturned.

Mr. Oliver said that he had discussed the topic with a member of the City Council who would be willing to receive memos from the Commissioners regarding the matter, and he asked all who could, to contact the Council in this fashion.

Chair Mueller reminded this issue could not be discussed as it was not agendaized, and suggested Commissioners speak with staff for any clarification.

With no other persons wishing to address matters not appearing on the agenda, the public hearing was closed.

### MINUTES:

June 10, 2003

#### **COMMISSIONERS ACEVEDO/ESCOBAR MOTIONED TO APPROVE THE JUNE 10, 2003 MINUTES WITH THE FOLLOWING AMENDMENTS:**

Page 2 paragraph 4 (Safeway item): 7000 *sq. ft.*; "everything *east (of the fabric store) to the Vineyard Drive exit will be demolished.*"

Page 2 paragraph 8. Last sentence "....*must be timed to meet parking requirements.*"

Page 7 top paragraph line 4: ~~of the~~ *because of its*

Page 7 paragraph 8. next to last sentence "....complex are not available for R3 development due to current use." Last sentence ".....is not ready for R3 development due to the lack of nearby services, including lack of bus service."

Page 8 paragraph 5: line 1 *as with respect to*; delete remainder of the paragraph following the first sentence.

Page 9, line 1, *without*

Page 13 paragraph 5. next to last sentence ".... is near the water tank"

*Note: heading alignments were completed*

**THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ENGLS.**

June 24, 2003

#### **COMMISSIONERS ACEVEDO/ESCOBAR MOTIONED TO APPROVE THE JUNE 24, 2003 MINUTES WITH THE FOLLOWING AMENDMENTS:**

Page 4 paragraph 8. ".....uses for the *open space easement be formulated.*"

Page 7 paragraph 8. first sentence should read ".... permitted *uses* in a PUD,..".

The last sentence should read ".... *18.30.020, which reads that all uses may be permitted in a PUD. There is no requirement that the uses be consistent with the General Plan.*"

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Page 8 top of page should read ..... say, "*I can forget the ~~PUD~~ zoning code*"

**THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: BENICH; ABSENT: ENGLES.**

### OLD BUSINESS:

**1) SD-03-02/  
DA-03-03: HALE-  
GARCIA**

A request for approval of a project development agreement and a twelve-lot subdivision to be constructed on a 22-acre site located on the north side of Basil Ct., on the east side to Dougherty Ave. within the Capriano Subdivision. The proposed 12-lot subdivision is considered phase V of the Capriano project. Approval of the proposed subdivision requires the award of allocations from the 2002 Measure P competition.

PM Rowe explained that this matter was part of the Measure P allocation process and had been scheduled for hearing earlier; but because of the appeals, had been continued to this meeting. Since the appeal process is not yet complete, a second continuation is requested, he said. PM Rowe reminded that Commission policy indicates an item may be continued twice, and recommended the Commissioners consider this course of action.

Chair Mueller opened the public hearing.

With none present to address the matter, the public hearing was closed.

**COMMISSIONERS ESCOBAR/ACEVEDO MOTIONED TO CONTINUE THE MATTER UNTIL THE RDCS APPEALS ARE RESOLVED, WHEREUPON THE SUBDIVISION AND DEVELOPMENT AGREEMENT APPLICATIONS WILL BE REAGENDIZED AND RENOTICED. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: ENGLES.**

### NEW BUSINESS:

**2) HOUSING  
TYPE DISTRIBUTION & TERM  
FOR 2003-04 M.P.  
COMPETITION  
(FY 2005-06  
BUILDING  
ALLOTMENT)**

The Community Development Department is requesting Planning Commission and City Council determination of the housing mix and term for the next Residential Development Control System (Measure "P") competition. Also requested is approval to reserve a portion of the building allotment for partially completed projects and for separate Affordable Housing and Micro Project competitions.

PM Rowe presented the staff report, providing an overview of the recent competitions in which the total building allotment for the fiscal year(s) has been increased or decreased based on the following year's January 1 total population and persons per household estimates for the City as determined by the CA Department of Finance. He called attention to page 3 of the staff report: Distribution of Allotment by Competition Category. PM Rowe then went on to review provisions for Westside requirements, set-asides, affordable allocations, open/market, and other set-asides in the past (rentals, senior units, custom lots). He also called attention to the idea, that because of the lesser number of allocations available for the upcoming competition, an adjustment of the filing deadlines may be considered to better suit the developers, Commissioners and staff.

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Commissioners discussed with PM Rowe the merits of having a common deadline for both Small Projects and Micro Projects.

PM Rowe was asked to comment on the ability of projects to vie in upcoming Measure P competitions. Commissioners asked questions regarding the prospective ballot measure pertaining to updates and 'dramatic' modifications to Measure P, and what effect that – if passed – may have on the number(s) of allocations available for award? PM Rowe clarified that a supplemental allotment phase could be possible if the measure passes. Commissioner Escobar asked if there was a distribution plan/criteria for other types of housing so long as there are allocations available? PM Rowe explained the provisions for supplemental awards.

Chair Mueller asked if there are enough on-going projects to absorb another 50 units? This led to discussion of projects which currently have allocations may/not need additional units.

Commissioner Lyle commented that some projects can use more allocations during the year and others cannot. He noted that the Commissioners usually try to ascertain this during the hearings.

Chair Mueller opened the public hearing.

With no persons present indicating a wish to address the matter, the public hearing was closed.

Chair Mueller suggested that the filing deadline issue be discussed. Commissioners raised the following regarding the matter:

- With the small number of allocations available (50), it 'makes sense'
- The 'micros' have less paperwork in the applications
- Better utilization of staff time (equals greater efficiency)
- Concern that the agenda be arranged so that those Commissioners who have conflict execute a minimum of absence
- Concern that criteria is not yet set (discussion ensued regarding the number of potential changes to the Ordinance – dependent on the upcoming vote – as well as recommended changes from the Measure P Task Force (Task Force recommendations anticipated to be presented to the Commission in September, 2003). PM Rowe noted that basically this year's criteria would be retained for the competition under discussion.

**By consensus, Commissioners agreed that November 3, 2003 would be the deadline for application submittal (all categories).** The Commissioners can expect review of the applications at their last meeting in February or first meeting in March, 2004.

Discussion then turned to the number of units for the categories. PM Rowe explained that in the Affordable category, 32 allocations have been used. With the increase in total allocations to 182 (from the projected 164), the 20% set-aside rule should have given 36 to this category in fiscal year 2004-05. In the Small Projects category, 9 allocations have been made, with 11 remaining.

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Commissioner Weston expressed preference for reducing the number of allocations to the Small Project category to 7 and having the Affordable Category set at 40 allocations, and 4 in the Micro category for a total of 51 allocations possible.

Other Commissioners indicated agreement with this method of distribution.

**COMMISSIONER ESCOBAR OFFERED RESOLUTION NO. 03-57, RECOMMENDING HOUSING TYPE DISTRIBUTION AND TERM FOR THE MEASURE "P" COMPETITION TO BE CONDUCTED DURING FISCAL YEAR 2003-2004 WITH THE FOLLOWING MODIFICATIONS:**

**SECTION 2(A): A portion of the building allocation shall be reserved for Affordable (40 units), Micro (4 units), and Small Projects (7 units).**

**SECTION 2(F): The Planning Commission recommends an increase in the total building allocation be awarded as a supplemental allotment to those ~~open/market-rate~~ projects that were awarded a building allocation for fiscal year 2004-05 and 2005-06 in the most recent ~~Open/Market~~ competition(s).**

**SECTION 3: The Planning Commission recommends that the filing deadline for the Affordable, Open/Market and Micro competitions be November 3, 2003.**

**COMMISSIONER BENICH SECONDED THE MOTION, WHICH WAS PASSED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT; ENGLES WAS ABSENT.**

Commissioner Acevedo repeated his request that the agenda be arranged so that Commissioners with potential conflict will be absent a minimum amount of time – and that time is contiguous.

### OTHER BUSINESS:

#### **3) POLICY ESTABLISHING GUIDELINES FOR PREPARA- TION OF TRANS- PORTATION IMPACT REPORTS**

Review and consideration of a transportation impact report policy. The purpose of the policy is to achieve a standardization of traffic impact report format, level of analysis and mitigation.

PM Rowe presented the staff report, calling attention to section 6 (Mitigation Measures), saying that Commissioner Lyle had raised the issue that there is a need for a policy for mitigation that can be relied on. He also said this is a discussion item for the Commissioners, following which direction should be given to staff, with comments/suggestions being incorporated into the policy, then a final draft of the policy being returned to the Commission for review and approval.

Chair Mueller opened the public hearing.

With no persons present indicating a wish to address the matter, the public hearing was closed.

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Commissioners raised the following issues in discussion:

- Level of Service (LoS) at intersections and the methods by which that level of service is determined
- Signalization set by Federal standards
- Need for un-signalization to be set in the policy/report
- Necessity of redefinition and clarification of the two standards indicated on pages 2 and 3 of the report (trip generation thresholds and transportation analysis scenarios)

Commissioner Lyle, calling attention to those two standards (listed in items A and C on pages 2 and 3), stated that the standard should be any one of 1 – 2- 3 and any one of a – b – c. He also called attention to page 3 regarding '10 trips' saying there would be tremendous difference if these were on through *or* turn lanes. Commissioner Lyle additionally pointed out that C2 is unclear as to the need for a study if the current General Plan is not proposed for change.

Chair Mueller commented that the General Plan traffic study is not specific as to intersections and further that the General Plan assumes a build-out of identified vacant property by 2020.

SE Creer said that it is unknown when the impacts will take place, so this policy triggers study to deal with the impacts.

Chair Mueller expressed a concern that the General Plan traffic study underestimates the infrastructure which will be needed and this document continues that underestimation. He said the General Plan traffic study is not up to date with the VTA standards, and therefore, the Commission – and other City decision-makers – are not looking at the build out potential.

Commissioner Lyle asked if staff has considered, with Condit designated as an arterial, that the documents/studies in place say it is 'OK' to 2025, but the intersections may breakdown before that year?

PM Rowe noted it is very difficult to project build-outs in the City. He reminded that every 10 years there is a General Plan update, and the land use in areas of the City may change significantly as a result of those updates.

Chair Mueller cited Murphy/Condit as 'classic examples' of not enough right-of-way being available, then included Santa Teresa in his discourse. Chair Mueller said that if there were a corridor well to the east-side, the City would be clear on right-of-way problems if they were ~~not~~ looking at a *future* build-out. He stated a concern that this policy did not assist in looking to the future for further options.

Commissioner Lyle voiced agreement with the Chair's statements, and adding, " We need to be alert regarding the intersections which are deteriorating." He also called attention to page 4 Section 3 C d, asking if the mid-point or end point of a project should be identified?

Commissioner Weston stated that also in that section there needs to be consideration of 'pending projects' which may impact traffic on a proposed/under consideration

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project.

Commissioner Lyle returned to Section 6 (Mitigation Measures) saying there is a need for separated sections dealing with signalized and unsignalized intersections. He also reiterated the need for identifying peak hour trips.

SE Creer responded to questions by explaining the traffic impact fees and uses thereof, as well as responsibilities for signalization by developers and/or the City.

Chair Mueller and Commissioner Lyle declared that the document presented did not cover all the conditions concerned with traffic studies. They also pointed to the references to 'warrant studies' as being confusing.

Commissioner Benich stated that no project is an island, and there is need to account for future growth. "If Murphy/Condit had been done differently, we would not be experiencing problems now," he said. Commissioner Benich also expressed the belief that the 'peak hour' designations should be expanded to better reflect the actual traffic to the City. SE Creer responded by explaining how 'peak hours' are determined.

Commissioner Escobar directed attention to page 2, asking for clarification of 2A4. SE Creer responded this could consist of unusual situations, such as the need for redefining circulation. He pointed to page 3, 32b, citing as an example here the assumption of interrelation of projects, such as the auto dealership request and E. Dunne-Ho. "There is a need to consider mitigation of other projects," SE Creer stated.

Chair Mueller said that the problem with pending projects is when that project 'doesn't get done'.

PM Rowe stated that the first project application is generally responsible for mitigation.

Commissioner Weston said he believed negotiations between Planning Department staff and developers to project traffic volume would reduce redundancy in traffic study/planning. He continued that there is a need for projects to acknowledge other, existing traffic studies, including the need for analysis if the project is made smaller. An example, he said, would be reduction of parking spaces. "Now, we're told, 'here's a project, how can we make it work?'" Commissioner Weston noted. "We should use the approach of 'here's a project. What might happen if the scope and size of the project is reduced?'"

Commissioner Acevedo commented that even though his background had required accurate technical reading, he has difficulty reading traffic studies. He requested consideration of a workshop to provide explanation of traffic studies. Other Commissioners concurred, as did some members of staff.

Commissioner Acevedo broached the subject of traffic study requirements and how those requirements are 'triggered'. "This City has a slogan 'open for business'," he noted. "If the General Plan is 'off' that is a City issue, and not the developers' place to provide all the mitigation answers. Staff should do that work, with suggestions from the writers of the traffic reports. Our own staff is in a better position to analyze the

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needs of the City.”

Commissioner Escobar responded that while it is true, in a community this size, that the City staff is more familiar with the needs for mitigation measures, it is important to have recommendations for mitigation come from traffic experts. He said it is valuable to have mitigation measures recommended by experts be further refined by local staff. Commissioner Escobar spoke on the work VTA is doing in the area of looking at traffic for the overarching area.

PM Rowe remarked that for the City to be in compliance, staff must work on mitigation measures. He also noticed the life span/viability of traffic studies, which he said generally lasted about 24 – 36 months.

Chair Mueller asked if, when the Transportation Impact Study Policy is in place, changes in the recent traffic studies would be significant? He also asked about the financial impact to the City regarding any in-place traffic impact fees. SE Creer responded there should be no fiscal impact; this policy deals with future development.

Chair Mueller asked if the City could expect fewer or more traffic studies as a result of this policy? SE Creer replied there should be no change in the number of studies, but additional consistency is anticipated.

Commissioner Weston asked how traffic study consultants are chosen? SE Creer explained the process.

Commissioner Lyle stated that one of the biggest problems in dealing with traffic study consultants, even those from the same firm, is different assumption sets. He pointed to the need for consistent detail in the areas of pending projects and pass-through traffic design. Other Commissioners joined with this thinking, stating there is need for consistency with traffic experts. A problem of ‘familiarity’ was articulated, with agreement that there needs to be a process for review of underlying assumptions periodically.

PM Rowe provided an overview of the effort made in choosing and working with traffic study experts from the Planning Department staff viewpoint.

The comments/suggestions presented through the exchange of ideas will be integrated into the policy with a revised version of the policy being returned to the Commission for consideration and agreement.

#### 4) SUMMER MEETING SCHEDULE

PM Rowe reminded that in the past, the Commissioners have often scheduled a summer break with the cancellation of the second meeting in August. Pursuant to Municipal Code, the Commission has the latitude to cancel a meeting if it is deemed not to be necessary. Precedence has also provided for the adoption of a holiday schedule in winter months. PM Rowe explained that tentatively only one item is scheduled for the August 26, 2003 meeting, which could easily be moved to the September 9, 2003 meeting.

**COMMISSIONER ESCOBAR MOVED THAT THE AUGUST 26, 2003  
MEETING BE CANCELLED, WITH ANY PENDING BUSINESS BEING**



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**SCHEDULED FOR THE SEPTEMBER 9, 2003 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER BENICH AND CARRIED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT; ENGLES WAS ABSENT.**

**ANNOUNCEMENTS:**

PM Rowe said that the three appeal recommendations from the Planning Commission were scheduled to be heard by the City Council on July 16, 2003. The appeals hearings were originally scheduled for July 2, 2003, but an inadvertent mistake in the notice of hearing mailings caused the City Attorney to recommend postponement.

Chair Mueller stated that the suggestion of Commissioner Acevedo regarding a workshop for traffic report explanations/reading was a good idea, and asked staff to begin the arrangements. He asked if there were other topics for workshops, which might be beneficial, suggesting e-mails to staff to provide data for consideration. Commissioner Lyle said a workshop providing information on warrant studies would be good. Richard Oliver (from the audience) suggested that the personnel working on various studies could present free workshops to enhance learning for the Commissioners.

Chair Mueller also suggested that when staff is present to provide material/information to the Commission, they give a short overview/introduction of themselves and their work during the open comment period.

PM Rowe announced that monies have been budgeted to send Commissioners to the Planning Commissioners Institute to be held in Monterey in March, 2004. Discussion ensued as to the sessions previously attended, with Commissioners advising that the sessions are taped and can be obtained for review.

**ADJOURNMENT:** There being no further business, Chair Mueller adjourned the meeting at 8:52 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**JUDI H. JOHNSON, Minutes Clerk**